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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/700,764

11/04/2003

Richard Lauch

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11/01/2005

BUTZEL LONG

DOCKETING DEPARTMENT

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EXAMINER

KRUER, STEFAN

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,764

Applicant(s)

LAUCH, RICHARD

Examiner

Stefan Krueer

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☒ Claim(s) 1-13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/19/2004</u> | 6) <input type="checkbox"/> Other: ____ |

Drawings

The drawings of Fig. 1 and 2 are objected to under 37 CFR 1.83(a) because they fail to show the "... the brake element such as a drum 14..." as described in the specification. The item depicted appears to be that of a disk or similar and not in keeping with "... an integral portion of the elevator car drive braking system which may be in the form of the system illustrated and described in US Patent 5.971,109..." That system includes a disc brake that is engaged by interlinking components including an actuator incorporating a lever.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The attempt to incorporate subject matter into this application by reference to the braking system of Aulanko et al. (US 5,971,109) (herewith referred to as "Aulanko") is ineffective because the specified brake drum with attached lever mechanism, as referenced in the aforementioned objection to Figures 1 and 2, is not reflected in the disclosure of Aulanko. The device as depicted in Figures 1 and 2 lacks detail to enable the reader to discern a viable, definitive device in view of the referenced technology of Aulanko.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 – 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The primary matter in question regards the specified brake element to which a handle is attached has not been described in the specifications in view of the Aulanko reference. Furthermore, the term "self locking" is unclear, in that it has not been defined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitsubishi (EP 1,148,018).

Regarding Claim 1, Mitsubishi discloses an elevator drive brake element (41) rotatable between a brake reset and brake released position, a handle (18a) attached to brake element for moving between the locked and unlocked positions thereby placing brake in the rest and released positions, and a selectively operated locking means (46) for maintaining said handle in said locked position.

With respect to Claims 3 and 10, the Mitsubishi handle (18a) includes an elongate arm having an end affixed, thereby connected, to said brake element (41).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 7, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsubishi in view of Lee (1,479,305).

Regarding Claim 2, whereas Mitsubishi provides an elongate arm, Lee teaches "... a lever 20 which is adapted to be reciprocated..." as well as a "... lock casing 6 ... formed with a substantially rectangular extension 21 which is adapted to project into and be located within a similarly shaped slot 22 in the lever 20" (Pg. 1 Line 108). Thereby teaching a locking means including a latching plunger (21) and an aperture (22) for receiving said latching plunger. Therefore, it would have been obvious to one of ordinary skill in the art to modify Mitsubishi for the incorporation of such latching means or similar "... in principal and structure to a standard residential or commercial door latch mechanism..." as taught by Lee.

With respect to Claim 4, Lee teaches an elongate arm (21) with aperture (22) for receiving said latching plunger (21).

Pursuant to Claims 7 and 12, Lee discloses a locking means including a key actuated lock cylinder (6) for selectively releasing said handle from said locked position.

Regarding Claim 9, whereas Mitsubishi discloses an elevator drive brake element (41) rotatable between a brake reset and brake released position, a handle (18) attached to brake element for moving between the locked and unlocked positions, thereby placing brake in the rest and released positions, and a selectively operated locking means (46) for maintaining said handle in said locked position, Lee teaches a handle (20) with a latch receiving aperture (22) as well as a latching plunger (21) releasably engaging said latch receiving aperture when the handle is in the locked position. Therefore, it would have been obvious to one of ordinary skill in the art to modify Mitsubishi with the teachings of Lee to provide a conventional means to secure the handle in its locked position.

Claims 5, 6, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsubishi in view of Lee, as applied to Claims 2, 4, 7, 9 and 12, and further in view of Sterling (4,135,746).

With respect to Claim 5, though Lee teaches a latching plunger (21) and an aperture (22) for receiving said latching plunger, and the elongate arm (18a) of Mitsubishi has a leading edge, the plunger of Lee does not enable the actuating of said latching plunger by a leading edge portion. Sterling, for instance, teaches a conventional latching plunger with "... wedge shape latch engaging nose portion 100 of the latching element ... distinguished by a generally triangular shaped plan profile" and a "... latching element spring 94..." (Col. 6, Lines 55 and 67 respectively), whereby actuation of the latching plunger upon contact of with a leading edge of a stationary door jamb or strike is achieved. Though the invention of Sterling incorporates features unique to typical latching plungers, the features common to conventional household or commercial latching plungers are nevertheless presented. Therefore, it would have been obvious to one of ordinary skill in the art to modify the device of Mitsubishi with the teachings of Lee and Sterling, whereby the latching plunger of Lee would incorporate the teachings of Sterling to enable its actuation by a leading edge, to provide a product of adequate quality in terms of performance and market (operator) expectations.

Regarding Claims 6 and 11, though neither the cross-sectional form of the elongate arm of the Mitsubishi handle (18a) nor Lee handle (20) is defined, i.e. circular, squared or triangular, Sterling teaches a latching plunger in contact with a doorjamb or strike. In that a strike as used "... in a standard residential or commercial door latch mechanism..." has a curved or rounded contour along the leading edge for contact with the latching plunger, it would have been obvious to modify the Mitsubishi handle with a rounded contour for contacting said latching plunger of the teachings of Lee and Sterling in order to provide a striking surface angled in the direction of the recess of the latching plunger and thereby minimize the potential for jarring and promote proper actuation of the latching plunger.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsubishi in view of Aulanko and Kiekert AG (5,722,706). As Mitsubishi discloses a locking means with the handle in the locked position, and Aulanko discloses "...a detector 71 indicating ... functional status, which detector can be connected to the elevator control system" (Col. 3, Line 29), Kiekert teaches a latch with position-sensing switch in which, "A switch 5 ... mounted in the bolt assembly... and connected to the ... electronic control system..." and that "... switch 5 has an actuation button 12 movable in the closing direction ..." (Col. 3, Lines 48 and 50 respectively). Therefore, in light of modern control systems, it would have been obvious to one of ordinary skill in the art to modify the Mitsubishi locking mechanism to accommodate the teachings of Aulanko and, in particular, Kiekert to provide a safety switch mechanism to confirm that the handle is in a locked position.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsubishi in view of Lee, as applied to Claims 2, 4, 7, 9 and 12, and further in view of Kiekert. As Mitsubishi discloses a pivoting handle that can be in the locked position and Lee discloses the locking means utilizing a latching plunger, Kiekert discloses a position-sensing switch (5) with an actuation button (12) integral to a locking mechanism. It would have been obvious to modify the locking means of Mitsubishi in view of Lee to incorporate the safety switch as taught by Kiekert, because of the control protocols of modern elevator systems in which safety interlocks of drive systems are the norm.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aker (5,511,633) and Koepp (6,917,453) are cited for purpose of reference.

Art Unit: 3654

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F, 08:00 - 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571.272.6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK
19 Oct. 2005

Kathy Matecki

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